

**IN THE MATTER OF  
THE FAIR TRADING ACT**

**THIS UNDERTAKING** is made pursuant to section 152 of the Fair Trading Act.

**BY:** Nor-Don Collection Network Inc o/a NCN  
325 Millner Ave Suite 111  
Toronto, Ontario M1B 5N1

(hereinafter called the "Supplier")

**TO:** The **DIRECTOR OF FAIR TRADING**  
(hereinafter called the "Director")

**WHEREAS:**

- (A) The Supplier carries on the business of collection agency in the Province of Alberta.
- (B) The Supplier and its collectors require licensing to operate in Alberta.
- (C) The Supplier acknowledges that its collector, \_\_\_\_\_ contacted a debtor, \_\_\_\_\_ in Alberta between January 18, 2002 and February 22, 2002, to collect an outstanding debt. \_\_\_\_\_ was not licensed in Alberta to collect. This is contrary to section 111 (2), (3) and (4) of the Fair Trading Act.
- (D) The Supplier acknowledges that its collector, \_\_\_\_\_ contacted \_\_\_\_\_, a mother of a debtor, \_\_\_\_\_, in Alberta on March 28, 2002 and April 29, 2002, to obtain debtor information. \_\_\_\_\_ was not licensed in Alberta to collect. This is contrary to section 111 (2), (3) and (4) of the Fair Trading Act.

- (E) The Supplier acknowledges that its collector, \_\_\_\_\_ called \_\_\_\_\_, the mother of a debtor prior to 7:00 a.m. on March 28, 2002 and April 29, 2002.
- (F) The Supplier acknowledges that its collector, \_\_\_\_\_, called \_\_\_\_\_, the wife of the debtor, approximately July 17, 2002, to collect an outstanding debt. \_\_\_\_\_ was not licensed in Alberta to collect. This is contrary to section 111 (2), (3) and (4) of the Fair Trading Act.
- (G) The Supplier acknowledges that its collectors, \_\_\_\_\_ may have used phrases such as "Government Services Branch" and "Government of Canada" while calling \_\_\_\_\_ and his wife \_\_\_\_\_.
- (H) The Supplier acknowledges sending correspondence to \_\_\_\_\_ dated December 12, 2000 stating that a statement of claim had been prepared when no such claim had been prepared.
- (I) The Director asserts that he has reason to believe that the acts or practices of the Supplier described in recitals (C) to (H) herein constitute breaches of the Fair Trading Act.

**NOW THEREFORE THIS UNDERTAKING WITNESSES THAT:**


- 1) The Supplier acknowledges and admits that it has failed to comply with the Fair Trading Act and undertakes to the Director that the Supplier will not knowingly nor intentionally, at any time hereafter, engage in acts or practices similar to those described in recitals (C) to (H) or any other prohibited acts in the Fair Trading Act.
- 2) The Supplier will ensure that all employees, representatives and agents are forthwith acquainted with the requirements of the Fair Trading Act, especially as it pertains to Part 11, Collection Practices.
- 3) It is understood that the Supplier

- I. Will ensure all Nor-Don Collection Network Inc o/a NCN. collectors who may contact Albertans are licensed with Alberta Government Services.
  - II. Will implement steps to ensure that collectors are not engaged in prohibited acts listed under section 116 (1) of the Fair Trading Act.
  - III. Will implement steps to ensure that collectors do not call Albertans outside of the permitted hours, before 7:00 a.m. and after 10 p.m. Mountain Daylight Time.
  - IV. Will implement steps to ensure that collectors, contacting Albertans, will only identify themselves as representatives of the Supplier's licensed name, "Nor-Don Collection Network Inc." or "NCN Collection".
  - V. Will implement a review of all correspondence to ensure that the information is not misleading.
- 4) The Supplier will pay to the Director, for deposit with the Finance Minister of Alberta, the sum of \$3000.00 that represents a portion of the costs associated with investigating this matter. Such payment shall be made within 10 days of the signing of this Undertaking.
  - 5) This Undertaking will be binding upon the Supplier and its successors and assigns unless:
    - a) terminated by the Director or varied with the consent of the Supplier;
    - b) varied by an Order of the Judge of the Court of Queen's Bench where the Judge is satisfied that the circumstances warrant varying the provisions of the Undertaking;
    - c) terminated by an Order of a Judge of the Court of Queen's Bench where the Judge is satisfied that the act or practice that the Supplier has undertaken to refrain from engaging in was not unfair; however, in any such case, the termination or variance does not invalidate anything done under this Undertaking prior to the termination or variance.
  - 6) The Supplier acknowledges that the Director may, upon breach by the Supplier of any terms of the Undertaking, institute proceedings and take such action under the Fair Trading Act as he may consider necessary.

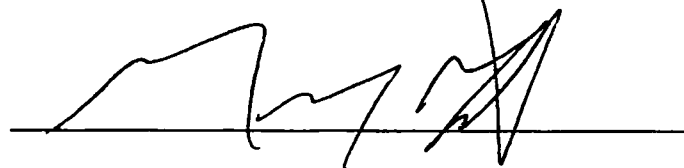
7) The Supplier acknowledges that it was advised by Alberta Government Services, and is aware, that it is entitled to seek independent professional advice regarding the signing of this Undertaking, and the Supplier acknowledges that it is entering into this Undertaking voluntarily.

**IN WITNESS WHEREOF** the Supplier, has on the 19<sup>th</sup> day of ~~February~~<sup>MARCH</sup> 2003, caused its common seal to be hereunto affixed and attested by the signatures of its proper officers duly authorized in that behalf.

**Nor-Don Collection Network Inc o/a NCN**

Per:   
Paul Moraes President and CEO

**ACCEPTED** by the Director of Fair Trading this 24<sup>th</sup> day of ~~February~~<sup>MARCH</sup> 2003.



George Yates  
Director of Fair Trading (As Delegated)  
Province of Alberta